

# TAB "G"

## JOY MINING'S SEXUAL HARASSMENT POLICY



**JOY MINING MACHINERY HARASSMENT POLICY**  
**GLOBAL POLICY**

March, 2002  
Policy Number: 1

**I. POLICY**

Joy Mining Machinery is committed to providing an environment free from all forms of harassment or discrimination based on race, sex, age, religion, disability, marital status, national origin, sexual orientation or any other characteristic protected by law. All employees at all levels in the company must act in a way that supports this commitment. Any employee who violates this policy will be subject to corrective action, which may include discipline up to and including discharge.

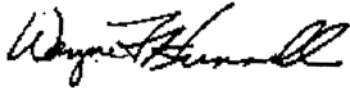
**II. ADMINISTRATION**

**A. GENERAL**

1. Sexual harassment requires some special attention because it is often hard to define. Sexual harassment may include any unwelcome conduct of sexual nature. Examples would be sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature such as comments, touching, teasing, joking or intimidation that interferes with work or creates an intimidating, hostile or offensive environment.
2. We are aware that conduct which might be offensive to some individuals might be considered inoffensive by others. Because of this, it is difficult for managers or supervisors to learn of and take effective action to halt harassment unless the affected individual alerts a manager or supervisor both to the occurrence and the fact that the conduct in question is offensive or unwanted. We expect all employees to report harassment, whether as a victim or an observer.
3. With this in mind, we make several options available if you feel you have witnessed or been subject to harassment of any kind, even if you consider it minor. We need your cooperation to make this policy as effective as possible. We encourage you to approach the alleged harasser and ask him/her to immediately stop the offensive activity, though this step is not required if it makes you feel uncomfortable or is not effective. They may not know how you or others feel.
4. Whether you decide to talk to the alleged harasser or not, always promptly bring the matter to the attention of a supervisor, manager or officer of the company you feel comfortable talking to. They are in a position to help if you let them.

5. We will treat all claims of harassment seriously. All claims will be promptly and thoroughly investigated, and confidentiality will be maintained as much as possible during the investigation. If an investigation reveals that harassment has occurred, we will take prompt and appropriate corrective action reasonably designed to halt the harassment and prevent recurrences, which may include discipline or discharge of the harasser.
6. Retaliating or discriminating against someone for complaining about harassment or cooperating in an investigation is also a violation of this policy that can result in discipline or discharge. If you believe you have been retaliated against, even if the retaliation is subtle, report this fact immediately to the Director of Human Resources at Global Headquarters in Warrendale or any other manager.

APPROVAL



Wayne F. Hunnell  
President & COO

DATE March 7, 2002

## **SEXUAL HARASSMENT POLICY**

**JOY TECHNOLOGIES INC.**

**FRANKLIN, PENNSYLVANIA**

### **I. POLICY**

Joy Technologies Inc. continues to follow a policy that sexual harassment is not condoned. All personnel share this responsibility particularly in dealing with subordinates.

### **II. ADMINISTRATION**

- A. The Human Resource Manager is responsible for ensuring that this Policy is disseminated to all personnel at the Joy Technologies Inc, Franklin Plants.
- B. The Human Resource Manager is also responsible for establishing and disseminating to all employees a local procedure for:
  - 1. Filing a sexual harassment complaint;
  - 2. Investigating a sexual harassment case, and
  - 3. Resolving a sexual harassment case.
- C. This policy is being issued in conjunction with Corporate Policy #7, "Equal Employment Opportunity," Corporate Procedure I. 1-10, "Equal Employment Opportunity and Affirmative Action Plans," and Corporate Policy 27, "Sexual Harassment."

### **III. PROCEDURE**

#### **A. Filing a sexual harassment complaint.**

1. If the complaint involves alleged advances and/or other harassment by a supervisor, the complaint should be filed with the Human Resource Manager.

2. If the complaint involves alleged advances and/or other harassment by a co-worker, the complaint should be filed with the complainant's supervisor, who will then refer it to the Human Resource Manager.

3. In either of the above, the complaint should be made in writing and contain, but not be limited to the following:

Date, time and location of incident(s);  
Name(s) of individual(s) involved;  
Witnesses, if any; and  
A detailed description of the alleged harassment

B. Investigating a sexual harassment charge.

1. The complainant will be interviewed by the Human Resource Manager, or his designee, to develop full details of the alleged incident(s).

2. The accused will be interviewed by the Human Resource Manager, or his designee, to obtain details of the other side of the case.

3. Witnesses, if any, will also be interviewed in an effort to clarify any conflicting statements obtained from the interviews with the complainant and the accused.

4. All records will be checked to obtain any pertinent facts which may have a bearing on the case

C. Resolving a sexual harassment case.

1. If there is no foundation other than the complaint, then, whether the accused is a supervisor or co-worker, no record will be placed in the accused's file and no dissemination of the charge will be made.

2. If it is determined that there is a foundation for the charge, then disciplinary action will be taken against the accused which could include, but not be limited to, reprimand, demotion, suspension or dismissal.

a. In such a case, the work record of the complainant would be restored if it had been adversely affected in conjunction with the Incident(s) which led to the filing of the complaint.

**IV. GENERAL STATEMENT**

- A. In any situation in which a sexual harassment complaint has been filed, there are to be no recriminations or actions which could be interpreted as "retribution" taken against the complainant. In addition, all information which shall be pertinent to the case shall be kept confidential to the fullest extent possible.
- B. This policy will be audited internally on an annual basis to determine if the policy is being properly implemented.